

REMARKS

The Office Action mailed on June 23, 2004 states that a foreign patent document ("EP 1199757") cited in the Information Disclosure Statement (IDS) filed on January 21, 2004 fails to comply with 37 C.F.R. § 1.98(a)(3) because the IDS does not include a concise explanation of its relevance. In response, Applicant has attached hereto U.S. Patent Application No. 2002/0105266, which is believed to include the same disclosure as EP 1199757. The Office Action also states that a U.S. patent document ("0,002,049") cited in the IDS has been crossed off since this patent was issued in 1841, not 2001. However, this cited reference is not a U.S. Patent but rather a U.S. Patent Application ("2001/0002049"). Applicant apologizes for this confusion, and has attached the cited U.S. Patent Application hereto for convenience.

The Office Action also states that the status of the parent application needs to be updated. In response, Applicant has amended the specification to comply with this requirement.

With respect to claims, Applicant notes with appreciation that claims 11 and 12 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has rewritten claim 11 in independent form, which includes all of the limitations of the base claim and the intervening claim 5, by amending claim 1. In addition, claim 14 has been amended to include subject matter similar to the original claim 11. Furthermore, claims 3-5, 11 and 15 have been canceled and claims 6, 7, 9, 10, 12-13 and 16-18 have been amended. New claims 28 and 29 have also been added. As explained below, Applicant respectfully submits that pending claims 1, 2, 6-10, 12-14, 16-18, 28 and 29 are now in condition for allowance.

In the Office Action, claim 4 was objected to because the compound "YGd" was recited as "Ygd". However, since claim 4 has been canceled, this issue is moot. In addition, claim 15 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action suggests that claim 15

be rewritten to make clear that the second coating step in this claim is the coating step of claim 14. This issue is also moot since claim 15 has been canceled. However, Applicant has taken the suggestion into consideration in amending claim 14. Furthermore, in amending the claims, Applicant has deleted the term "preferably" since this term has been properly given no patentable weight, as stated in the Office Action.

I. Patentability of Amended Independent Claim 1

In the Office Action, the original dependent claim 11 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended claim 1 to rewrite claim 11 in independent form, which now includes all of the limitations of the base claim 1, the "objected to" claim 11 and the intervening claim 5. As amended, Applicant respectfully submits that the independent claim 1 is now in condition for allowance.

II. Patentability of Amended Independent Claim 14

As amended, the independent claim 14 recites a method for forming a coated phosphor filler comprising

"coating each of a plurality of individual phosphor filler particles with a moisture proof barrier film; and
coating the outer surface of said moisture proof barrier film with a coating layer comprising a plastic substance, wherein the thickness of the coating layer is at least twice the thickness of the moisture proof barrier film"
(emphasis added)

Thus, claim 14 now includes subject matter similar to that of the original dependent claim 11, which was objected to in the Office Action. As such, Applicant respectfully submits that the independent claim 14, as amended, is now in condition for allowance.

III. Patentability of New Independent Claim 28

The new independent claim 28 recites a coated phosphor filler comprising

“a plurality of stable phosphor filler particles, wherein the stable phosphor filler particles comprise at least one member of the garnet phosphor family; and

a coating layer coated on the phosphor filler particles, wherein the coating layer comprises a plastic substance, wherein the plastic substance comprises an optically transparent epoxy composition.”

Applicant respectfully asserts that the combination of elements recited in claim 28 is not anticipated by the cited references and is not obvious in view of the cited references. Thus, Applicant respectfully requests that the new independent claim 28 be allowed.


II. Patentability of Dependent Claims 2, 6-10, 12, 13, 16-18 and 29

Claims 2, 6-10, 12, 13, 16-18 and 29 depend on one of the independent claims 1, 14 and 28. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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Date: September 20, 2004